IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 13908 of 2006(E)

PETITIONER:

BOSSY MICHAEL, S/O.MICHAEL,
CHEERAMKUZHIYIL, NEELOOR P.O.
MEENACHIL TALUK.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENTS:

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1. NEELOOR SERVICE CO-OPERATIVE BANK LTD.,
REP. BY ITS SECRETARY, NEELOOR P.O.

2. INSPECTOR OF CO-OPERATIVE SOCIETIES,
(ARBITRATION AND EXECUTION), MEENACHIL,PALAI.

3. THE ASSISTANT REGISTRAR, (GENERAL),
MEENACHIL CO-OPERATIVE SOCIETY, PALAI.

4. THE JOINT REGISTRAR,
CO-OPERATIVE SOCIETY (GENERAL), KOTTAYAM.

5. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, THIRUVANANTHAPURAM.

R1 BY ADV. SRI.P.CHANDY JOSEPH
R2 TO 5 BY GOVT. PLEADER SHRI. P.K. RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 13908/06

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE NOTICE BEARING E.A. NO: 1069/1998 DT. 20.5.1998

EXT.P2: -DO- REPRESENTATION MADE TO THE THEN CHIEF MINISTER

EXT.P3: -DO- OF THE LETTER OF THE 4TH RESPONDENT JOINT REGISTRAR

EXT.P4: -DO- OF THE 1ST RESPONDENT'S LETTER ADDRESSED TO THE PETITIONER

EXT.P5: -DO- OF THE LETTER BY THE 2ND RESPONDENT

EXT.P6: -DO- OF THE DECLARATION TO THAT EFFECT TO THE 1ST RESPONDENT ON 18.5.2006

jj /TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.13908 OF 2006

Dated this the 30th day of November, 2007

JUDGMENT

The petitioner has not availed the benefit of the interim order passed by this Court by remitting the amounts directed, to sustain the order of stay. As such, there is no interdicting order as of now.

I have heard learned counsel for the petitioner on the merits of the case. In 1994, the petitioner mortgaged an item of property to avail an agricultural loan. With the passage of time, the first respondent cannot be found fault with for having initiated action, that too, on the basis of arbitration. I, therefore, do not find any jurisdictional error or legal infirmity in the impugned proceedings as part of the execution proceedings. However, the writ petition is disposed of directing the petitioner, if so advised, to move the Bank for any leniency, particularly when the loan was availed for agricultural purposes.

If there are any binding directions governing such field, the benefits of such directions will be extended to the petitioner.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.